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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,659	07/05/2001	Jose Guterman	INTL-0595-US (P11736)	2671

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EXAMINER

BAROT, BHARAT

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/899,659

Applicant(s)

GUTERMAN, JOSE

Examiner

Bharat N. Barot

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16, 18-21 and 23-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16, 18-21, and 23-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

RESPONSE TO AMENDMENT

1. Amended claims 16, 18-21, and 23-28 remain for further examination.

The new grounds of rejection

2. Applicants' amendments and arguments with respect to claims 16, 18-21, and 23-28 filed on June 29, 2005 have been fully considered but they are deemed to be moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 112, 2d paragraph

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.
4. Claims 20 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following terms lack proper antecedent basis:

- said telephone network—claim 20 line 3; and
- said telephone network—claim 25 line 4.

All claims that depend thereon are also hereby considered rejected.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 16, 18-19, 21, and 23-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Stupek, jr. et al (U.S Patent No. 6,131,118).

Stupek, jr's patent meets all the limitations for claims 16, 18-19, 21, and 23-24 recited in the claimed invention.

7. As to claim 16, Stupek, jr. et al teach a method (see abstract) comprising: detecting the occurrence of a network event (figures 1-3; and column 5 lines 47-67; and column 9 lines 1-28); upon detecting the occurrence of the network event, determining whether personal agent software for the event has been received from a subscriber; and if the personal agent software for the event has been received from the subscriber, executing the personal agent software to provide services to the subscriber (figures 1-3 and 9; and column 6 lines 7-14 and 42-56; column 7 line 61 to column 8 line 67; and column 12 line 49 to column 14 line 21).

8. As to claim 18, Stupek, jr. et al teach that if personal agent software for the event has not been received, processing the event using network event processing (figure 2; and column 7 line 61 to column 8 line 67).

9. As to claim 19, Stupek, jr. et al teach that detecting the occurrence of an event, and upon the detection of the occurrence of an event, selecting an appropriate agent to run (figure 4; and column 9 line 31 to column 10 line 13).

10. As to claims 21 and 23-24, they are also rejected for the same reasons set forth to rejecting claims 16 and 18-19 above, since claims 21 and 23-24 are merely an apparatus for the method of operation defined in the claims 16 and 18-19.

Claim Rejections - 35 USC § 103(a)

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 20 and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stupek, jr. et al (U.S Patent No. 6,131,118).

13. As to claim 20, Stupek, jr. et al teach that making available service primitives to implement network call functions to personal agent software that provides personalized services to subscribers to the network (figures 1 and 9; and columns 4-7; and column 12 line 49 to column 14 line 21).

Stupek, jr. et al do not disclose that the network is a telephone network.

However, "Official Notice" is taken that the concept and advantages of using the telephone network as a transmission medium.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Stupek, jr. et al by using the telephone network as a transmission medium because it would have minimized the Internet use and maximized the ability to control, manage, and maintain components of the event driven processing system.

14. As to claim 25, it is also rejected for the same reasons set forth to rejecting claim 20 above, since claim 25 is merely an apparatus for the method of operation defined in the claim 20.

15. As to claims 26-28, they are also rejected for the same reasons set forth to rejecting claims 16 and 18-20 above, since claims 26-28 are merely an apparatus for the method of operation defined in the claims 16 and 18-20. Additionally, Stupek, jr. et al teach that the system receives the personal agent software over the Internet (figures 1 and 9; column 4 lines 14-31; and column 6 lines 32-41)

Response to Arguments

16. Applicant's arguments have been fully considered. The examiner has attempted to answer (response) to the remarks (arguments) in the body of the Office action.

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17. Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Contact Information

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

Patent Examiner Bharat Barot

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September 12, 2005


BHARAT BAROT
PRIMARY EXAMINER